5,689,825. In evaluating alleged anticipation, the Examiner must

show that the cited reference includes each and every limitation

of the rejected claim within its four corners. Averbuch et al.

do not meet this rigid requirement.

5   As per Claim 1, the Applicant teaches a method of

downloading a file, consisting of a set of components, from a

Internet server to an Internet client, comprising the steps of

generating a profile of the file that includes identifying

information for each component; initiating a download sequence by

10   which each component is transferred, one-by-one, from the server

to the client using an Internet protocol; and when the download

sequence is complete, reassembling the components into the file

using the profile. Averbuch et al. teach a method and apparatus

to download software updates to a wireless communication unit,

15   such as a cell phone. The downloading is accomplished by

separating the code into blocks that are dependent on download

parameters. These parameters are not used for the purpose of

reassembling the file from its constituent parts, but are based

on constraints imposed by the system for downloading (i.e.

20   priority indication, connection usage). Also, these parameters

merely identify a position in the code where transmission may

begin again if interrupted. This is not what Applicant is

claiming as his invention.

The invention involves downloading components of a file from

25   a server to a client wherein the file is defined by a _profile_.

The profile includes "identifying information" for each

component. The written description illustrates identifying

information as the size of the component, CRC code or other

checksum, and the like. Using the identifying information, the

5   individual components can then be reassembled to provide a

complete file (see, page 21, lines 7-20).

The use of a profile, including such identifying information

for each component, allows for the transfer of multiple

components simultaneously or allows the user to request

10   particular components. Averbuch et al., on the contrary, do not

teach generating a profile that includes identifying information

for each component and reassembling the components into a file

using the identifying information in the profile. Independent

Claims 1, 8, 17 and 26 have been amended to more clearly reflect

15   that reassembling of the file is accomplished using the component

identifying information. This limitation was already present in

Claim 12.

The arguments with respect to independent Claims 8, 17, 21,

22, 24, 26, and 31 are substantially the same as those for Claim

20   1. Also, Claims 2-4, 18-20, 23, 25, 27, and 30 depend from these

independent Claims which are allowable for the reasons above.

Thus, Applicant respectfully requests that the rejection to

Claims 1-4, 8, 17-20, 21, 22-23, 24-25, 26-27, 30 and 31 be

withdrawn.

25   **Rejections under 35 U.S.C. §103(a)**

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The Examiner maintains rejection of Claims 1-31 under 35

U.S.C. § 103 as obvious over Rowe, et al. (U.S. Patent No.

5,737,599), in view of officially recognized prior art. The

Examiner has also stated new grounds for rejection of Claims 1-

5   31. Applicant traverses the rejections.

Rowe, et al., shows a system for improving the efficiency of

retrieving and viewing Portable Document Format (PDF) files. PDF

files are formatted into pages and supporting objects (Figure

3a). PDF files include all the information necessary to properly

10 display a document one page at a time regardless of the computing

platform used. Each page may include special objects, such as

drawings, and shared objects, such as a font. Special objects

are unique to a page. Shared objects are used by more than one

page. Before the technique shown in Rowe, et al., the entire PDF

15 file would be downloaded in order to view selected pages. This

was required to ensure that all shared objects that were

necessary to display the page were available. Alternatively, an

inefficient system requiring several connections could be used to

download selected pages. This method requires downloading the

20 page and then determining which objects were missing that were

necessary to display the page and retrieving them (C2L65-C3L33).

Rowe, et al. shows a revised format that allows the display

of selected pages without the need to download the entire file

(C7L24-35) or for repeated connections. The shared (60) and

25 special (61) objects are collected at the end of the file. A

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range table (64) and page offset table (68) are created to allow

retrieval of specific pages. The requested page or pages and all

objects are downloaded together. This avoids the need to

download the entire file and for repeated connections, thus

5   speeding access to the desired pages.

In contrast to the prior art, the invention of Claim 1 is

directed to downloading an entire file using a robust procedure.

The invention enables "restarting" a download when interrupted

(P3L1-11) without the need to re-send components sent prior to

10   the interruption. The claim includes the step of "generating a

profile of the file that includes identifying information for

each component." Each component is then downloaded "one-by-one."

The file is then reassembled using the profile after all

components are received.

15   The Examiner has admitted that Rowe et al teach a method of

downloading that is wholly different from the Applicant's

invention. However, the Examiner states that there is "nothing

in Rowe that would preclude one from downloading the whole file."

The Examiner has also stated in the Office Action dated September

20   11, 1999 that it would have been "obvious for one skilled in the

art to download all of the components [shown in Rowe, et al.]

because it would have enabled the user to have a complete copy of

the file and would have enabled the user to use the file off-

line." Applicant respectfully disagrees with each of these

25   analyses. The technique of Rowe, et al. is specifically designed

to avoid downloading the entire file (C7L24-35). Thus, Rowe, et

al. teaches away from the modification to the reference suggested

by the Examiner.

    As indicated above, Rowe et al. do in fact preclude one from

5   downloading the entire file. Even so, to present a prima facie

argument for obviousness, the Examiner must show that <u>all</u> the

claim limitations [are] taught or suggested <u>by the prior art</u>. *In*

re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (as quoted in

MPEP § 2143.03) Thus, obviousness is not based on whether or

10 not the prior art contains some teaching that precludes the

Applicant's invention, but whether all of the limitations of the

Applicant's invention are taught or suggested by the prior art.

    Furthermore, there is nothing in Rowe et al. that suggests

the use of the tables generated according to the reference to

15 reassemble the document. There also is nothing to suggest that

the information in the tables is suitable for reassembling the

document. Further, assuming the table data is suitable for

reassembling the document, the range table that provides the

overall organizational data is not downloaded to the receiving

20 computer in Rowe, et al. (Figure 10). The receiving computer

does not have data necessary data to reassemble the document.

Thus, modification of Rowe, et al. to provide the invention of

Claim 1 would not have been obvious to one skilled in the art.

Therefore, Claim 1 and dependent Claims 2-7 are patentably

25 distinct from the prior art.

Claims 8, 12, 17, 21, 24, 26 and 31 provide methods or means for downloading components of an entire file one-by-one and reassembling the entire file. For the reason stated above with regard to Claim 1, the inventions of these claims are not shown

5 or suggested by the prior art. Therefore, Claims 8, 12, 17, 21, 24, 26 and 31, and dependent Claims 9-11, 13-16, 18-20, 22, 23, 25 and 27-30 are patentably distinct from the prior art.

Claims 27-29 are rejected by the Examiner under 35 U.S.C. 103(a) as being upatentable over Averbuch et al. The Applicant

10 respectfully submits that Averbuch et al do not render the Applicant's invention obvious because Averbuch et al. teach a wholly different invention and Averbuch et al. do not teach each and every claim limitation. As discussed above, Averbuch et al. teach a method and apparatus to download software updates to a

15 wireless communication unit, such as a cell phone. The downloading is accomplished by separating the code into blocks which are dependent on download parameters. These parameters are not for the purpose of reassembling component parts into a whole but are based on constraints imposed by the system for

20 downloading (i.e. priority indication, connection usage). In contrast, the Applicants specifically teach separating the file into components, generating a profile for the file that includes identifying information for each component, and reassembling the components using the profile. Averbuch et al. do not teach the

25 same invention nor all the limitations. Nor does Rowe et al.

teach all the claim limitations as stated above.   Because

independent Claims 1, 8, and 12 are not obvious for the reasons

stated above and Claims 5-7, 9-11, 13-16, depend from these

Claims, the Applicant respectfully requests that the rejection to

5 Claims 5-7, 9-11, 12-16, 27, and 28 be withdrawn.

For the above-stated reasons, Applicants respectfully

request withdrawal of the Examiner's rejection and allowance of

Claims 1 through 31.

                              Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents,

5   Washington, D.C. 20231, on May 3, 2000.

David H. Judson